REMARKS

This responds to the Office Action dated June 2, 2005.

Restriction Requirement

Claim 13 was restricted from the application by the Examiner and has been cancelled.

Claim Rejections

Claims 7, 8 and 9 were objected to because of informalities. These claims have been amended in response to the objections, and it is submitted that these claims should now be in proper form.

Claim Rejections - 35 U.S.C. § 101

Claim 10 was rejected under § 101 because it is directed to non-statutory subject matter. Claim 10 has been cancelled.

Claim Rejections - 35 U.S.C. § 112

Claim 12 was rejected under § 112 because of insufficient antecedent basis for the expressions of "the right wings" and "the left wings". Claim 12 has been amended to provide the proper support for these expressions.

Claim Rejections - 35 U.S.C. § 102

Claim 10 was rejected under § 102(b). Applicant has cancelled claim 10.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9, 11 and 12 were rejected under § 103(a) as being unpatentable over U.S. Patent 5,494,479 to Lindert et al. in view of U.S. Patent 5,976,004 to Hazenbroek.

Claims 1 and 12 were considered together by the Examiner.

Lindert et al. does not teach or suggest the step of suspending the poultry wing from its tip segment. For example, Lindert et al. discloses reception pockets 15 (Figs. 1, 1A and 3) that engage the wing pieces 10 and 11 on opposite sides of the joint 14. The reception pockets 15 move the wing pieces as indicated by the horizontal arrows of Figs. 1A and 3 toward a cutting station 21 of Fig. 3. The joint 14 is cut away from the wing pieces 10 and 11 by the cutting station, as clearly shown by the cut lines 23 in Figs. 4 and 5. This is clearly described in column 4, lines 43 – 47.

By contrast, applicant does not cut the joint out of the wing. The joint becomes part of applicant's final work product.

The drawings of Lindert et al. barely suggest that the wings include a tip segment, and there is no teaching in Lindert et al. of suspending the wing from the wing segment. In contrast Lindert et al. teaches grasping the wing in two separate, spaced apart locations so as to guide the wing between the cutting blades 22 of cutting station 21, as clearly shown in Fig. 3.

Lindert et al. does not disclose the step of bending the primary segment of the wing at the elbow joint laterally about an elbow guide positioned on the outside surface of the poultry wing until the elbow joint is opened. Indeed, it is not clear that Lindert et al. does any bending at all.

Moreover, there is no structure or description in Lindert et al. of any elbow guide, and no concept in Lindert et al. of an elbow guide being positioned on the outside surface of the poultry wing.

Lindert et al. does not show the stretching of tissue between the segments of the wing. In contrast, instead of stretching, Lindert et al. cuts with the cutting station 21 between the segments of the wing to remove the joint from the wing.

Hazenbroek '004 was used as a secondary reference to modify Lindert et al. To teach suspending poultry wings by the tips of the wings. However, Hazenbroek does not teach suspending a wing by its wing tip. Therefore the combination of Lindert et al. and Hazenbroek does not disclose or suggest the above noted features. The combination of Hazenbroek with Lindert et al. does not make the invention of claim 1 obvious under 35 U.S.C. § 103(a).

Hazenbroek concerns a meat stripping process, where meat is pulled longitudinally from the bones of poultry thighs, etc. Applicant does not strip the meat longitudinally from the bone as taught by Hazenbroek. Both the process and work product of Hazenbroek are different from applicants process and work product.

Not only is the process of Lindert et al. completely different from that of applicant's claimed invention, but the end products are quite different. For example, the applicant retains the bone ends in the final product, with the meat tending to shrink away from the bone ends during cooking, thereby providing a "handle" for the person that is going to pick up and consume the cooked product. Lindert et al., however, removes the "handle" from the end product by cutting the joint 14 away from the product.

With regard to dependent claims 2-9, the applied references do not disclose the features of these claims when taken in combination with parent claim 1.

Further, claims 2 and 3 recite the step of advancing the wing with the elbow joint extending forwardly or rearwardly in the processing path. Lindert et al. does not have a bent wing in which the elbow extends either forwardly or rearwardly. Figs. 1-5 illustrate the wing as being straight and Figs. 9 and 16 illustrate the wing elbow extending to the side. The bending of Lindert's wing is to present the elbow in a shape so that the bone ends can be cut away from the rest of the wing. Applicant does not have to cut the bone ends away, but can use the bone ends as handles. This is a different principle than Lindert's invention.

With regard to claim 4, none of the applied references teach the step of suspending poultry wing from its tip, nor do they teach the concept of wedging the tip segment into a slot of a shackle. While Fig. 13 of Hazenbroek '004 shows a carrier fork that might be considered by the examiner as a shackle, the carrier fork is not shaped to receive or to hold a tip segment of a poultry wing. It is shaped to hold the thigh bone adjacent its enlarged end knuckle as the machine strips the meat longitudinally away from the bone. This is foreign to the concept disclosed in applicant's application. The emphasis in Hazenbroek is to strip the meat away from the length of the bone. Applicant is attempting to expose the bone ends.

With regard to claim 5, Hazenbroek '004 does not perform the steps of bending, stretching and separating the wing as the wing advances with the rotary guide. Fig. 13 of Hazenbroek, as referred to by the examiner, does not disclose this. Hazenbroek '004 is devoted to removal or "stripping" meat from bones that are not bendable, not having a joint intermediate

the product. For example, every figure of Hazenbroek '004 that shows the work product also shows that the work product includes only a single bone. Obviously, bones are not bendable intermediate their ends. Applicant bends the work product. Not so in Hazenbroek.

With regard to claim 6, Hazenbroek '004 does not include the steps of advancing the wing in unison with a rotary guide, moving a positioning block in unison with the rotary guide, and engaging the wing with the positioning block. In contrast, Hazenbroek discloses stripper blades 79 and 80 that come together about the previously positioned work product, and which move vertically during the meat stripping process. Not only is the Hazenbroek '004 process different from applicant's process, but it forms a different end product.

With regard to claim 8, Lindert et al. does not teach the concept of bending the primary segment about an elbow guide until the elbow joint is opened and separated. Specifically, Lindert et al. teaches maintaining the wing unbent so that it can have its joint 14 removed by the cutting station 21. If Lindert et al. bent his wing, the cutting station would not have proper access to the bones on opposite sides of the joint to make the cut. Therefore, Lindert et al. teaches away from applicant's concept of bending the segment about an elbow guide until the elbow joint is opened and separated. Further, Hazenbroek does not teach bending of the work product. The work product of Hazenbroek '004 is a product that has only substantially straight bones, and bones generally cannot be bent without breaking. Accordingly, neither Lindert et al. nor Hazenbroek even come close to teaching applicant's concept.

With regard to claim 9, Lindert et al. does not teach compressing the wing tip segment. Lindert et al. shows at the upper portions of several of its figures, such as Figs. 1, 1A, 2, 3, 4, 5, and

6A a very small projection that presumably would be a wing tip. It has no bones. There is no teaching in Lindert et al. of any treatment of the wing tip. Indeed, the wing tip is shown to be removed along with the bones 13 and 13A, as indicated by the direction arrow 57 in Fig. 7A. Accordingly, Lindert et al. does not teach the steps of compressing the wing tip segment, forcing the mid-wing segment laterally with respect to the tip segment, and popping the bones of the mid-wing segment laterally from the tip segment, such that the end bones of the mid-wing are exposed. Nothing about Lindert et al. teaches this process or the product evolved from this process. Lindert et al. does not teach the concept of popping the bones of the mid-wing segment laterally from the tip segment. In contrast, Lindert et al. teaches the longitudinal removal of the bones from the meat as clearly shown in Fig. 7A, 8A, and 8B. Also, Hazenbroek '004 does not disclose the concept of treatment of a wing tip segment.

Claims 7 and 9 also distinguish over the applied references since their parent claim, claim 1, adequately distinguishes thereover.

New claims 14 and 15 are added to emphasize the step of bending the primary segment of the wings about an elbow guide positioned on the outside surfaces of the wings until the elbow joints are opened. Again, this is not disclosed by the applied or listed references.

Applicant has reviewed the prior art listed in the application by the examiner. However, the listed prior art, like the applied prior art, does not anticipate or make obvious the claimed subject matter of this application.

In the event that the examiner does not find all of the claims of the application to be in condition for allowance, the examiner is respectfully requested to call the undersigned attorney for further discussion of a comparison of the applied prior art with the subject matter of the claims of the application.

Respectfully submitted,

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CERTIFICATE OF MAILING

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Alexandria, Virginia 22313-1450

on August 15, 2005.

Mary N. Kilgore
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In Re Application of:

Leen Holleman

Serial No.: 10/766,123

Filed: 01-28-2004

For: **Poultry Wing Separator and Partial Deboner**

Confirmation No.: 2104

Group Art Unit: 3643

Examiner: Parsley, David J.

Docket No. 11953-1960

The following is a list of documents enclosed:

Return Postcard
Amendment Transmittal Page
Amendment and Response

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.